

STATE OF MICHIGAN
IN THE US DISTRICT COURT OF EASTERN MICHIGAN

JOHN DOE,

Plaintiff,

v

Hon. Denise P. Hood
Case No.: 2:20-cv-11994

ROCHESTER COMMUNITY SCHOOL
DISTRICT, CARRIE LAWLER,
NEIL DELUCA, and KATHRYN HOUGHTALING,

Defendants.

Kirstina R. Magyari (P82775)
Jonathan R. Marko (P72450)
MARKO LAW, PLLC
Attorneys for Plaintiff
1300 Broadway St., 5th Floor
Detroit, MI 48226
(313) 879-0229
Kirstie@markolaw.com

Thomas G. Cardelli (P31728)
Anthony F. Caffrey III (P60531)
CARDELLI LANFEAR, P.C.
Attorneys for Defendants Rochester
Community School District, Lawler, and
DeLuca
322 W. Lincoln Ave
Royal Oak, MI 48067
(248) 544-1100
(248) 544-1191 Fax
Tcardelli@cardellilaw.com
Acaffrey@cardellilaw.com

**DEFENDANT ROCHESTER COMMUNITY SCHOOL DISTRICT'S ANSWER,
AFFIRMATIVE DEFENSES, AND RELIANCE ON JURY DEMAND**

ANSWER

NOW COMES ROCHESTER COMMUNITY SCHOOL DISTRICT ("RCSD"), and
states as follows as its Answer to Plaintiff's Complaint:

Introduction

1. RCSD neither admits nor denies the allegations contained in paragraph 1 as it lacks sufficient information to form an opinion about their truth.

2. RCSD neither admits nor denies the allegations contained in paragraph 2 as it lacks sufficient information to form an opinion about their truth.
3. RCSD neither admits nor denies the allegations contained in paragraph 3 as it lacks sufficient information to form an opinion about their truth.
4. RCSD admits that Houghtaling was a member of the IEP, but denies as untrue that Houghtaling was head of the IEP. As to the remaining allegations in paragraph 4, RCSD neither admits nor denies the allegations as it lacks sufficient information to form an opinion about their truth.
5. RCSD admits that Defendant Houghtaling was a teacher from August 27, 2018, through January 8, 2019, but neither admits nor denies the remaining allegations of paragraph 5 as it lacks sufficient information to form an opinion about their truth.
6. RCSD neither admits nor denies the allegations contained in paragraph 6 as it lacks sufficient information to form an opinion about their truth.
7. RCSD denies as untrue the allegations in paragraph 7.
8. RCSD neither admits nor denies the allegations contained in paragraph 8 as it lacks sufficient information to form an opinion about their truth.
9. RCSD neither admits nor denies the allegations contained in paragraph 9 as it lacks sufficient information to form an opinion about their truth.
10. RCSD denies as untrue the allegations in paragraph 10.
11. RCSD denies as untrue the allegations in paragraph 11.
12. RCSD neither admits nor denies the allegations contained in paragraph 12 as it lacks sufficient information to form an opinion about their truth.

13. RCSD neither admits nor denies the allegations contained in paragraph 13 as it lacks sufficient information to form an opinion about their truth.

Jurisdiction and Parties

14. RCSD neither admits nor denies the allegations contained in paragraph 14 as it lacks sufficient information to form an opinion about their truth.

15. RCSD neither admits nor denies the allegations contained in paragraph 15 as it lacks sufficient information to form an opinion about their truth.

16. RCSD neither admits nor denies the allegations contained in paragraph 16 as it lacks sufficient information to form an opinion about their truth.

17. Admitted.

18. Admitted.

19. Admitted.

20. RCSD neither admits nor denies the allegations contained in paragraph 20 as it lacks sufficient information to form an opinion about their truth.

21. RCSD neither admits nor denies the allegations contained in paragraph 21 as it lacks sufficient information to form an opinion about their truth.

Facts

22. RCSD admits that Defendant Houghtaling was a teacher from August 27, 2018, through January 8, 2019; denies that Defendant Houghtaling was employed for more than one year; and neither admits nor denies the remaining allegations of paragraph 22 as it lacks sufficient information to form an opinion about their truth.

23. RCSD neither admits nor denies the allegations contained in paragraph 23 as it lacks sufficient information to form an opinion about their truth.

24. RCSD neither admits nor denies the allegations contained in paragraph 24 as it lacks sufficient information to form an opinion about their truth.

25. RCSD neither admits nor denies the allegations contained in paragraph 25 as it lacks sufficient information to form an opinion about their truth.

26. RCSD neither admits nor denies the allegations contained in paragraph 26 as it lacks sufficient information to form an opinion about their truth.

27. RCSD neither admits nor denies the allegations contained in paragraph 27 as it lacks sufficient information to form an opinion about their truth.

28. RCSD neither admits nor denies the allegations contained in paragraph 28 as it lacks sufficient information to form an opinion about their truth.

29. RCSD neither admits nor denies the allegations contained in paragraph 29 as it lacks sufficient information to form an opinion about their truth.

30. RCSD neither admits nor denies the allegations contained in paragraph 30 as it lacks sufficient information to form an opinion about their truth.

31. RCSD neither admits nor denies the allegations contained in paragraph 31 as it lacks sufficient information to form an opinion about their truth.

32. RCSD neither admits nor denies the allegations contained in paragraph 32 as it lacks sufficient information to form an opinion about their truth.

33. RCSD neither admits nor denies the allegations contained in paragraph 33 as it lacks sufficient information to form an opinion about their truth.

34. RCSD neither admits nor denies the allegations contained in paragraph 34 as it lacks sufficient information to form an opinion about their truth.

35. RCSD neither admits nor denies the allegations contained in paragraph 35 as it lacks sufficient information to form an opinion about their truth.

36. RCSD neither admits nor denies the allegations contained in paragraph 36 as it lacks sufficient information to form an opinion about their truth.

37. RCSD neither admits nor denies the allegations contained in paragraph 37 as it lacks sufficient information to form an opinion about their truth.

38. RCSD neither admits nor denies the allegations contained in paragraph 38 as it lacks sufficient information to form an opinion about their truth.

39. RCSD denies the allegations contained in paragraph 39 as untrue.

40. RCSD neither admits nor denies the allegations contained in paragraph 40 as it lacks sufficient information to form an opinion about their truth.

41. RCSD denies the allegations contained in paragraph 41 as untrue.

Causes of Action

Count I: Violation of Fourteenth Amendment (as to Defendants DeLuca, Lawler, and Houghtaling)

42. RCSD's answers to the preceding paragraphs are incorporated by reference.

43. Although not expressly pleaded against RCSD, RCSD denies the allegations contained in paragraph 43 as untrue in the manner and form stated.

44. RCSD neither admits nor denies the allegations contained in paragraph 44 as it lacks sufficient information to form an opinion about their truth.

45. RCSD neither admits nor denies the allegations contained in paragraph 45 as it lacks sufficient information to form an opinion about their truth.

46. Although not expressly pleaded against RCSD, RCSD denies the allegations contained in paragraph 46 as untrue in the manner and form stated.

47. Although not expressly pleaded against RCSD, RCSD denies the allegations contained in paragraph 47 as untrue in the manner and form stated.

48. Although not expressly pleaded against RCSD, RCSD denies the allegations contained in paragraph 48 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

**Count II: 42 U.S.C. Section 1983: Violation of Right to Equal Protection
(as to Defendants DeLuca, Lawler, and Houghtaling)**

49. RCSD's answers to the preceding paragraphs are incorporated by reference.

50. Although not expressly pleaded against RCSD, RCSD denies the allegations contained in paragraph 50 as untrue in the manner and form stated.

51. Although not expressly pleaded against RCSD, RCSD denies the allegations contained in paragraph 51 as untrue in the manner and form stated.

52. Although not expressly pleaded against RCSD, RCSD denies the allegations contained in paragraph 52 as untrue in the manner and form stated.

53. Although not expressly pleaded against RCSD, RCSD denies the allegations contained in paragraph 53 as untrue in the manner and form stated.

54. RCSD neither admits nor denies the allegations contained in paragraph 54 as it lacks sufficient information to form an opinion about their truth.

55. Although not expressly pleaded against RCSD, RCSD denies the allegations contained in paragraph 55 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

Count III: *Monell Claim*
(as to Defendant Rochester Community School District)

56. RCSD's answers to the preceding paragraphs are incorporated by reference.

57. RCSD denies the allegations contained in paragraph 57 as untrue in the manner and form stated.

58. RCSD denies the allegations contained in paragraph 58 as untrue in the manner and form stated.

59. RCSD denies the allegations contained in paragraph 59 as untrue in the manner and form stated.

60. RCSD denies the allegations contained in paragraph 60 as untrue in the manner and form stated.

61. RCSD denies the allegations contained in paragraph 61 as untrue in the manner and form stated.

62. RCSD denies the allegations contained in paragraph 62 as untrue in the manner and form stated.

63. RCSD denies the allegations contained in paragraph 63 as untrue in the manner and form stated.

64. RCSD denies the allegations contained in paragraph 64 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

Count IV: Violations of the Americans with Disabilities Act (ADA)
(as to all Defendants)

65. RCSD's answers to the preceding paragraphs are incorporated by reference.

66. RCSD neither admits nor denies the allegations contained in paragraph 66 as it lacks sufficient information to form an opinion about their truth.

67. RCSD denies the allegations contained in paragraph 67 as untrue in the manner and form stated.

68. RCSD neither admits nor denies the allegations contained in paragraph 68 as it lacks sufficient information to form an opinion about their truth.

69. RCSD neither admits nor denies the allegations contained in paragraph 69 as it lacks sufficient information to form an opinion about their truth.

70. RCSD denies the allegations contained in paragraph 70 as untrue in the manner and form stated.

71. RCSD denies the allegations contained in paragraph 71 as untrue in the manner and form stated.

72. RCSD denies the allegations contained in paragraph 72 as untrue in the manner and form stated.

73. RCSD denies the allegations contained in paragraph 73 as untrue in the manner and form stated.

74. RCSD denies the allegations contained in paragraph 74 as untrue in the manner and form stated.

75. RCSD denies the allegations contained in paragraph 75 as untrue in the manner and form stated.

76. RCSD denies the allegations contained in paragraph 76 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

**Count V: Violation of Title IX
(as to Defendant Rochester Community School District)**

77. RCSD's answers to the preceding paragraphs are incorporated by reference.

78. RCSD neither admits nor denies the allegations contained in paragraph 78 as it lacks sufficient information to form an opinion about their truth.

79. RCSD denies the allegations contained in paragraph 79 as untrue in the manner and form stated.

80. RCSD denies the allegations contained in paragraph 80 as untrue in the manner and form stated.

81. RCSD denies the allegations contained in paragraph 81 as untrue in the manner and form stated.

82. RCSD denies the allegations contained in paragraph 82 as untrue in the manner and form stated.

83. RCSD denies the allegations contained in paragraph 83 as untrue in the manner and form stated.

84. RCSD denies the allegations contained in paragraph 84 as untrue in the manner and form stated.

85. RCSD denies the allegations contained in paragraph 85 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

**Count VI: Violation of Section 504 of the Rehabilitation Act of 1973
(as to all Defendants)**

86. RCSD's answers to the preceding paragraphs are incorporated by reference.

87. RCSD neither admits nor denies the allegations contained in paragraph 87 as it lacks sufficient information to form an opinion about their truth.

88. RCSD neither admits nor denies the allegations contained in paragraph 88 as it lacks sufficient information to form an opinion about their truth.

89. RCSD neither admits nor denies the allegations contained in paragraph 89 as it lacks sufficient information to form an opinion about their truth.

90. RCSD neither admits nor denies the allegations contained in paragraph 90 as it lacks sufficient information to form an opinion about their truth.

91. RCSD denies the allegations contained in paragraph 91 as untrue in the manner and form stated.

92. RCSD denies the allegations contained in paragraph 92 as untrue in the manner and form stated.

93. RCSD denies the allegations contained in paragraph 93 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

**Count VII: Violation of ELCRA-Sexually Hostile Environment
(as to all Defendants)**

94. RCSD's answers to the preceding paragraphs are incorporated by reference.

95. RCSD neither admits nor denies the allegations contained in paragraph 95 as it lacks sufficient information to form an opinion about their truth.

96. RCSD denies the allegations contained in paragraph 96 as untrue in the manner and form stated.

97. RCSD denies the allegations contained in paragraph 97 as untrue in the manner and form stated.

98. RCSD denies the allegations contained in paragraph 98 as untrue in the manner and form stated.

99. RCSD denies the allegations contained in paragraph 99 as untrue in the manner and form stated.

100. RCSD denies the allegations contained in paragraph 100 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

**Count VIII: Violation of ELCRA-Retaliation
(as to all Defendants)**

101. RCSD's answers to the preceding paragraphs are incorporated by reference.

102. RCSD neither admits nor denies the allegations contained in paragraph 102 as it lacks sufficient information to form an opinion about their truth.

103. RCSD denies the allegations contained in paragraph 103 as untrue in the manner and form stated.

104. RCSD denies the allegations contained in paragraph 104 as untrue in the manner and form stated.

105. RCSD denies the allegations contained in paragraph 105 as untrue in the manner and form stated.

106. RCSD denies the allegations contained in paragraph 106 as untrue in the manner and form stated.

107. RCSD denies the allegations contained in paragraph 107 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

**Count IX: Violation of ELCRA-Discrimination on the Basis of Sex
(as to all Defendants)**

108. RCSD's answers to the preceding paragraphs are incorporated by reference.

109. RCSD neither admits nor denies the allegations contained in paragraph 109 as it lacks sufficient information to form an opinion about their truth.

110. RCSD denies the allegations contained in paragraph 110 as untrue in the manner and form stated.

111. RCSD denies the allegations contained in paragraph 111 as untrue in the manner and form stated.

112. RCSD denies the allegations contained in paragraph 112 as untrue in the manner and form stated.

113. RCSD denies the allegations contained in paragraph 113 as untrue in the manner and form stated.

114. RCSD denies the allegations contained in paragraph 114 as untrue in the manner and form stated.

115. RCSD denies the allegations contained in paragraph 115 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

**Count X: Violation of Persons with Disabilities Civil Rights Act-Harassment
(as to all Defendants)**

116. RCSD's answers to the preceding paragraphs are incorporated by reference.

117. RCSD neither admits nor denies the allegations contained in paragraph 117 as it lacks sufficient information to form an opinion about their truth.

118. RCSD neither admits nor denies the allegations contained in paragraph 118 as it lacks sufficient information to form an opinion about their truth.

119. RCSD denies the allegations contained in paragraph 119 as untrue in the manner and form stated.

120. RCSD denies the allegations contained in paragraph 120 as untrue in the manner and form stated.

121. RCSD denies the allegations contained in paragraph 121 as untrue in the manner and form stated.

122. RCSD neither admits nor denies the allegations contained in paragraph 122 as it lacks sufficient information to form an opinion about their truth.

123. RCSD denies the allegations contained in paragraph 123 as untrue in the manner and form stated.

124. RCSD denies the allegations contained in paragraph 124 as untrue in the manner and form stated.

125. RCSD denies the allegations contained in paragraph 125 as untrue in the manner and form stated.

126. RCSD denies the allegations contained in paragraph 126 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

**Count XI: Violation of Persons with Disabilities Civil Rights Act-Retaliation
(as to all Defendants)**

127. RCSD's answers to the preceding paragraphs are incorporated by reference.

128. RCSD neither admits nor denies the allegations contained in paragraph 128 as it lacks sufficient information to form an opinion about their truth.

129. RCSD neither admits nor denies the allegations contained in paragraph 129 as it lacks sufficient information to form an opinion about their truth.

130. RCSD neither admits nor denies the allegations contained in paragraph 130 as it lacks sufficient information to form an opinion about their truth.

131. RCSD denies the allegations contained in paragraph 131 as untrue in the manner and form stated.

132. RCSD neither admits nor denies the allegations contained in paragraph 132 as it lacks sufficient information to form an opinion about their truth.

133. RCSD denies the allegations contained in paragraph 133 as untrue in the manner and form stated.

134. RCSD denies the allegations contained in paragraph 134 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

**Count XII: Violation of Persons with Disabilities Civil Rights Act-Discrimination
(as to all Defendants)**

135. RCSD's answers to the preceding paragraphs are incorporated by reference.

136. RCSD neither admits nor denies the allegations contained in paragraph 136 as it lacks sufficient information to form an opinion about their truth.

137. RCSD neither admits nor denies the allegations contained in paragraph 137 as it lacks sufficient information to form an opinion about their truth.

138. RCSD neither admits nor denies the allegations contained in paragraph 138 as it lacks sufficient information to form an opinion about their truth.

139. RCSD denies the allegations contained in paragraph 139 as untrue in the manner and form stated.

140. RCSD neither admits nor denies the allegations contained in paragraph 140 as it lacks sufficient information to form an opinion about their truth.

141. RCSD denies the allegations contained in paragraph 141 as untrue in the manner and form stated.

142. RCSD neither admits nor denies the allegations contained in paragraph 142 as it lacks sufficient information to form an opinion about their truth.

143. RCSD denies the allegations contained in paragraph 143 as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

Damages

144. RCSD's answers to the preceding paragraphs are incorporated by reference.

145. RCSD denies the allegations contained in paragraph 145 as untrue in the manner and form stated.

146. RCSD denies the allegations contained in paragraph 146 and its subparts as untrue in the manner and form stated.

WHEREFORE, Defendant RCSD respectfully requests that this Honorable Court dismiss this Complaint, and award attorney fees and costs so wrongfully incurred.

Respectfully submitted,

CARDELLI LANFEAR, P.C.

/s/ Thomas G. Cardelli
Thomas G. Cardelli (P31728)
Anthony F. Caffrey III (P60531)
CARDELLI LANFEAR, P.C.
Attorneys for Defendants Rochester
Community School District, Lawler,
and DeLuca
322 W. Lincoln Ave
Royal Oak, MI 48067
(248) 544-1100
(248) 544-1191 Fax
tcardelli@cardellilaw.com
acaffrey@cardellilaw.com

Dated: August 28, 2020

STATE OF MICHIGAN
IN THE US DISTRICT COURT OF EASTERN MICHIGAN

JOHN DOE,

Plaintiff,

v

Hon. Denise P. Hood
Case No.: 2:20-cv-11994

ROCHESTER COMMUNITY SCHOOL
DISTRICT, CARRIE LAWLER,
NEIL DELUCA, and KATHRYN HOUGHTALING,

Defendants.

Kirstina R. Magyari (P82775)
Jonathan R. Marko (P72450)
MARKO LAW, PLLC
Attorneys for Plaintiff
1300 Broadway St., 5th Floor
Detroit, MI 48226
(313) 879-0229
Kirstie@markolaw.com

Thomas G. Cardelli (P31728)
Anthony F. Caffrey III (P60531)
CARDELLI LANFEAR, P.C.
Attorneys for Defendants Rochester
Community School District, Lawler, and
DeLuca
322 W. Lincoln Ave
Royal Oak, MI 48067
(248) 544-1100
(248) 544-1191 Fax
Tcardelli@cardellilaw.com
Acaffrey@cardellilaw.com

AFFIRMATIVE DEFENSES

NOW COMES ROCHESTER COMMUNITY SCHOOL DISTRICT ("RCSD"), and
states as follows as its Affirmative Defenses to Plaintiff's Complaint:

1. Plaintiff's lawsuit fails to state a claim upon which relief may be granted, in whole or in part, as to RCSD and a summary judgment motion may be filed.
2. RCSD will be entitled to summary judgment as to all or part of Plaintiff's lawsuit, and such a motion will be filed.
3. RCSD did not owe the statutory duties claimed by Plaintiff.

4. RCSD did not breach any statutory duties claimed to be owed by Plaintiff.
5. RCSD did not cause or proximately cause any of the damages alleged by Plaintiff.
6. Plaintiffs' comparative negligence will act to bar this claim in whole or in part.
7. The intervening acts or negligence of others who are not parties may act to bar this claim in whole or in part, and an appropriate notice of non-party at fault may be filed with respect to same.
8. Plaintiff's lawsuit may be barred in whole or in part by a failure to mitigate damages.
9. Plaintiff's lawsuit may be barred by the wrongful conduct doctrine.

RCSD reserves the right to amend these affirmative defenses during discovery.

Respectfully submitted,

CARDELLI LANFEAR, P.C.

/s/ Thomas G. Cardelli
Thomas G. Cardelli (P31728)
Anthony F. Caffrey III (P60531)
CARDELLI LANFEAR, P.C.
Attorneys for Defendants Rochester
Community School District, Lawler,
and DeLuca
322 W. Lincoln Ave
Royal Oak, MI 48067
(248) 544-1100
tcardelli@cardellilaw.com
acaffrey@cardellilaw.com

Dated: August 28, 2020

STATE OF MICHIGAN
IN THE US DISTRICT COURT OF EASTERN MICHIGAN

JOHN DOE,

Plaintiff,

v

Hon. Denise P. Hood
Case No.: 2:20-cv-11994

ROCHESTER COMMUNITY SCHOOL
DISTRICT, CARRIE LAWLER,
NEIL DELUCA, and KATHRYN HOUGHTALING,

Defendants.

Kirstina R. Magyari (P82775)
Jonathan R. Marko (P72450)
MARKO LAW, PLLC
Attorneys for Plaintiff
1300 Broadway St., 5th Floor
Detroit, MI 48226
(313) 879-0229
Kirstie@markolaw.com

Thomas G. Cardelli (P31728)
Anthony F. Caffrey III (P60531)
CARDELLI LANFEAR, P.C.
Attorneys for Defendants Rochester
Community School District, Lawler, and
DeLuca
322 W. Lincoln Ave
Royal Oak, MI 48067
(248) 544-1100
(248) 544-1191 Fax
Tcardelli@cardellilaw.com
Acaffrey@cardellilaw.com

RELIANCE ON JURY DEMAND

NOW COMES ROCHESTER COMMUNITY SCHOOL DISTRICT ("RCSD") and
hereby relies on the jury demand filed by Plaintiff as to all claims and defenses.

Respectfully submitted,

CARDELLI LANFEAR, P.C.

/s/ Thomas G. Cardelli
Thomas G. Cardelli (P31728)
Anthony F. Caffrey III (P60531)
CARDELLI LANFEAR, P.C.

Attorneys for Defendants Rochester
Community School District, Lawler,
and DeLuca
322 W. Lincoln Ave
Royal Oak, MI 48067
(248) 544-1100
tcardelli@cardellilaw.com
acaffrey@cardellilaw.com

Dated: August 28, 2020

PROOF OF SERVICE

I, Remington J. Greenbauer, hereby certify that on the 28th day of August, 2020, a copy of **DEFENDANT ROCHESTER COMMUNITY SCHOOL DISTRICT'S ANSWER TO COMPLAINT, AFFIRMATIVE DEFENSES, AND RELIANCE ON JURY DEMAND** and this **PROOF OF SERVICE** were served upon the attorneys of record of all parties to the above cause by:

<input type="checkbox"/> First Class Mail	<input type="checkbox"/> Facsimile	<input type="checkbox"/> Email
<input type="checkbox"/> Fed Ex	<input type="checkbox"/> Hand Delivery	<input checked="" type="checkbox"/> MI-Filing

I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge and belief.

Remington J. Greenbauer, Legal Assistant

/s/ Remington J. Greenbauer